

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ESTELLE STAMM,

Plaintiff,

-against-

THE CITY OF NEW YORK AND THE CITY OF NEW
YORK POLICE DEPARTMENT

Defendants.
-----X

STIPULATION AND
ORDER OF SETTLEMENT
AND DISCONTINUANCE

07-CV-6521 (WHP)

WHEREAS, plaintiff Estelle Stamm commenced this action by filing a summons and complaint on July 18, 2007, alleging violations of the Americans with Disabilities Act, the Rehabilitation Act, and New York State and New York City civil rights laws; and asserting common law claims for intentional infliction of emotional distress; and

WHEREAS, defendants filed and served an Answer dated October 26, 2007, in which they denied any and all wrongdoing or liability arising out of plaintiff's allegations, and asserted affirmative defenses to the Complaint; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the sum of ten thousand dollars (\$10,000) in full satisfaction of all claims that were or could have been raised in

this action, including claims for cost, expenses, and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release all defendants, their successors or assignees and all present or former officials, employees, representatives, or agents of the City of New York and New York City Police Department from any and all liability, claims, and/or rights of action that plaintiff has, had or might have arising from or in connection with the allegations set forth in the Complaint, whether known or unknown, that were or could have been raised in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, an Affidavit of No Liens, and release based on the terms of paragraph "2" and a substitute W-9 form.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York or New York City Police Department. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiation, except for enforcement of the provisions contained herein.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York Police Department.

6. Plaintiff will have the sole responsibility to satisfy any lien or claim, whether known or unknown, asserted against the settlement proceeds or arising from the settlement. If any lien, claim or action is brought against any defendant arising from the settlement or asserted

against the settlement proceeds, plaintiff will defend, indemnify and hold harmless all defendants.

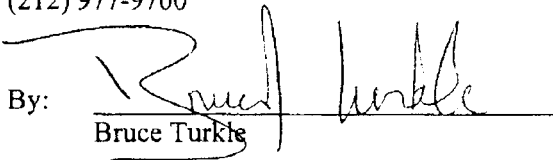
7. Plaintiff shall be responsible for the payment of any federal, state and/or local taxes on the payment specified in paragraph "2" above, and for any similar taxes for which he may be liable on account of attorneys' fees that he may be awarded in connection with this action.

8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation regarding the subject matter of the instant action and appeal shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
July 10, 2008

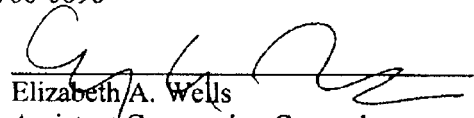
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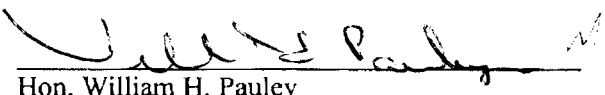

Bruce Turkle

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By:


Elizabeth A. Wells
Assistant Corporation Counsel

SO ORDERED:


Hon. William H. Pauley
United States District Judge
Date: July 18, 2008